

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MARTIN LYNN FLEMING, JR.

§  
§ Civil Action No. 4:20-CV-10  
v. § (Judge Schell/Judge Nowak)

MATT BURCH, PARIS POLICE  
DEPARTMENT

§  
§  
§

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On April 12, 2021, the report of the Magistrate Judge (Dkt. #12) was entered containing proposed findings of fact and recommendations that Plaintiff Martin Lynn Fleming, Jr.'s case be dismissed without prejudice under Rule 41(b) for failure to pay the initial partial filing fee. Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is therefore **ORDERED** that Plaintiff Martin Lynn Fleming, Jr.'s case is **DISMISSED WITHOUT PREJUDICE.**

**IT IS SO ORDERED.**

**SIGNED this the 5th day of May, 2021.**

  
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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE